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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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02/05/2007

Yoshihiro Yano

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12/09/2010

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EXAMINER

SHAW, PETER C

ART UNIT

PAPER NUMBER

2493

NOTIFICATION DATE

DELIVERY MODE

12/09/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

nyuspatactions@ladas.com

Office Action Summary	Application No. 10/582,692	Applicant(s) YANO ET AL.	
	Examiner PETER SHAW	Art Unit 2493	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/3/2010</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-15 are pending in this action.

Information Disclosure Statement

2. The information disclosure statement filed 5/3/2010 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because it lacks a 1449 form. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 5-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vange et al. (US PG PUB No. 2002/0004816) [hereinafter "Vange"] in view of

Art Unit: 2493

Campbell et al. (US PG PUB No. 2004/0049636) hereinafter "Campbell"] in further view of Yano et al. (US PG PUB No. 2002/0138504) [hereinafter "Yano"].

As per claim 1, Vange teaches a data storage system using network, having functions of storing data sent from a terminal device via a network ([0012], line 5, clients) and returning saved data via a network in accordance with a request from a terminal device ([0012], line 3, request for data), said data storage system comprising:

a removable storage medium (11, 21), installable to a terminal device (10, 20) ([0026], line 5, personal computers have removable storage);

storing means (12, 22), built into the terminal device ([0026], line 5, personal computers have built in hard drives); and

a data storage device (100), connected to the terminal device via a first network (N1) ([0029], line 2, data server connected to client);

the data storage device (100) having and a data transferring unit (130) ([0062], line 14, module that forwards client requests to external storage),

the storing means (12, 22) having functions of performing, based on an instruction of an operator, a data deposition process of uploading data to be

Art Unit: 2493

deposited to the data storage device (100) via the first network (N1) ([0061], line 3, write request sent to data server) and

a data withdrawal process of downloading data to be withdrawn from the data storage device (100) via the first network (N1) ([0061], line 5, read request sent to data server),

wherein, in performing the data deposition process, the data to be deposited are uploaded to data storage unit ([0061], line 3, write request sent to data server);

the data transferring unit (130) having functions of performing a data stocking process, whereby, when data to be deposited has been uploaded to the data storage unit (120) by the data deposition process, the data to be deposited is forwarded to an external storage site (210, 220, 230), accessible from the data storage device (100) via a second network (N2) ([0062], line 14, data server forwards requests and receives data from external data store for clients),

the data to be deposited stored in the second data storage unit (120) is deleted ([0061], line 4, write requests are forwarded to external storage, not saved at data server), and

Art Unit: 2493

management information, including information indicating a location of the external storage site (210, 220, 230), is sent to a terminal device (10, 20) that is executing the data deposition process for the data forwarded to said external storage site and a data delivery process ([0063], line 9, information sent to client to direct client requested data),

whereby, when a request to download data to be withdrawn from the second data storage unit (120) is made by the data withdrawal process, management information is received from a terminal device (10, 20) that is executing the data withdrawal process ([0062], lines 3-5, token is received from client, identifying the client and the data requested, and used to locate and read data),

data stored in an external storage site (210, 220, 230) whose location is indicated by the received management information is forwarded to the data storage unit (120) ([0062], line 14, file responses received by data server), and

the data in the data storage unit (120) is deleted upon being downloaded ([0061], line 5, data files in read requests are forwarded to client, not saved), and

the storing means (12, 22) furthermore having functions of executing a process of storing, as an execution result of the data deposition process, management information sent from the data storage device (100) as management information

Art Unit: 2493

concerning data to be deposited into the removable storage medium (11, 21) ([0066], line 1, token information are stored anywhere on the client, hard disk or removable storage) and

a process of sending, in executing the data withdrawal process, management information concerning data to be withdrawn that had been stored in the removable storage medium (11, 21) to the data storage device, without any direct instruction from an operator (100) ([0066], line 1, system by itself sends client request with token containing data management information to data server).

Vange does not teach a first data storage unit performing a process of storing and saving data to be deposited; a second data storage unit performing a process of temporarily storing data to be deposited; and choosing between a first and second storage unit in accordance with the operator's selection. Campbell teaches a first data storage unit performing a process of storing and saving data to be deposited ([0014], lines 5-6, storing in processor storage to disk); a second data storage unit performing a process of temporarily storing data to be deposited ([0014], lines 3-4, cache structure/processor storage); and choosing between a first and second storage unit in accordance with the operator's selection ([0034], line 2, members can choose between local storage or shared external storage).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine Vange with the teachings of Campbell, a first data

Art Unit: 2493

storage unit performing a process of storing and saving data to be deposited; a second data storage unit performing a process of temporarily storing data to be deposited; and choosing between a first and second storage unit in accordance with the operator's selection, to provide the user with choice managing the distribution of data across local and external storage.

The combination of Vange and Campbell does not explicitly teach management information including a URL. Yano teaches management information including a URL ([0019], lines 28-29, management data including URL).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine Vange and Campbell with the teachings of Yano management information including a URL, to enable the sending and receiving of the stored data over the Internet and other networks using this common resource addressing scheme.

As per claim 5, the combination of Vange, Campbell and Yano teaches a process of deleting management information used in the completed process from inside the data storage device (100) (Vange; [0062], lines 3-5, management information of token not stored after use).

As per claim 6, the combination of Vange, Campbell and Yano teaches an e-mail indicating, to a terminal device (10, 20), completion of a storage of data to be deposited (Vange; [0061], acknowledgment upon write of storage).

Art Unit: 2493

As per claim 7, the combination of Vange, Campbell and Yano teaches designating an external storage site (210, 220, 230) in performing the data deposition process by uploading data to be deposited to the second data storage unit (120) (Vange; [0061], line 4, write requests contain the data to be stored and are first “uploaded” to the data server), and the data transferring unit (130) forwards the data to be deposited to the designated external storage site (Vange; [0061], line 4, write requests are then forwarded to external storage).

As per claim 8, the combination of Vange, Campbell and Yano teaches as information for specifying an external storage site (210, 220, 230), a URL of the external storage site is used (Vange; [0063], line 9, file location would include URL of external storage site).

As per claim 9, the combination of Vange, Campbell and Yano teaches a process of dividing data (D) to be deposited into a plurality of partition files (D1, D2, D3) and forwarding the respective individual partition files to different storage sites (L1, L2, L3) (Yano; [0008], line 1, divided data stored to multiple data servers) and management information/a process specify the plurality of storage sites and restores an original data (D) by unifying the respective partition files (D1, D2, D3) (Yano; [0019], line 23, data depository information used to reconstruct a file).

Art Unit: 2493

As per claim 10, the combination of Vange, Campbell, and Yano teaches: the data transferring unit (130) (Vange; [0062], line 14, data server forwards requests and receives data from external data store for clients), in performing the data stocking process (Vange; [0061], line 4, write requests are forwarded to external storage), performs a process of preparing management information including information indicating a dividing method that is carried out (Yano; [0019], line 23, data depository information), and, in performing the data delivery process (Vange; [0062], line 14, data server forwards requests and receives data from external data store for clients), executes a unifying process that is in accordance with a method included in the management information (Yano; [0028], line 1, integrating the file).

As per claim 11, the combination of Vange, Campbell and Yano teaches the data transferring unit, in performing the data stocking process, performs an encryption process on data to be deposited (Yano; [0007], line 4, encryption and decryption of data) a process of forwarding encrypted data to an external storage site (Vange; [0061], line 4, write requests are forwarded to external storage) and a process of preparing management information including information indicating a method of the encryption process, and, in performing the data delivery process, executes a decryption process that is in accordance with a method included in the management information (Yano; [0007], line 4, encryption and decryption of data) (Yano; [0006], line 8-10, encryption and decryption as stored as part of data saving procedure).

Art Unit: 2493

As per claim 12, the combination of Vange, Campbell and Yano teaches: a plurality of data storage devices (310, 320) are provided (Vange; [0063], line 11, more than one data server, i.e. front-end) and data, stored in any of predetermined storage sites (410, 420, 430), are enabled to be downloaded to a terminal device (N3, N4) via any of the data storage devices (310, 320) (Vange; [0064], line 5, multiple data stores all assessable by clients).

As per claim 13, the combination of Vange, Campbell and Yano teaches the storing means (12, 22) realized by program installed in a computer making up the terminal device (10, 20) (Vange; [0012], line 5, client applications) and an IC card used as the removable storage medium (11, 12) (Yano; [0009], line 1, IC card as portable recording medium).

As per claim 14, the combination of Vange, Campbell and Yano teaches a LAN used as the first network (N1) (Vange; [0019], line 11, LAN systems) and the internet is used as the second network (N2) (Vange; [0022], line 5, the web).

As per claim 15, the substance of the claimed invention is identical to that of claim 1. Accordingly, this claim is rejected under the same rationale.

Art Unit: 2493

4. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vange, Campbell and Yano in further view of Johnston Jr. et al. (US Patent No. 5,598, 524) [hereinafter "Johnston Jr."].

As per claim 2, the combination of Vange, Campbell and Yano teaches claim 1.

The combination of Vange, Campbell and Yano does not teach a list of data, presenting the list, selected from the list by a selection operation by an operator. Johnston, Jr. teaches a list of data, presenting the list, selected from the list by a selection operation by an operator (Col. 1, line 51, a folder contains a list of files which are presented to the user and which can be selected from).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine Vange, Campbell and Yano with the teachings of Johnston, Jr., a list of data, presenting the list, selected from the list by a selection operation by an operator, to provide end users a selection as to the available content in the external storage site.

As per claim 3, the combination of Vange, Campbell and Yano teaches claim 1.

The combination of Vange, Campbell and Yano does not teach folders (F1, F2, and F3) on a display screen of a terminal device (10, 20) and an instruction operation, provided from an operator, for moving data to a folder or from a folder. Johnston, Jr. teaches folders (F1, F2, and F3) on a display screen of a terminal device (10, 20) (Col. 1, line 51, a folder is displayed on screen, see Fig. 1A) and an instruction operation, provided

Art Unit: 2493

from an operator, for moving data to a folder or from a folder (Col. 3, line 49, drag and drop operations).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine Vange, Campbell and Yano with the teachings of Johnston, Jr., folders (F1, F2, and F3) on a display screen of a terminal device (10, 20) and an instruction operation, provided from an operator, for moving data to a folder or from a folder, for moving data to a folder or from a folder (Col. 3, line 49, drag and drop operations), to provide a visual representation of the data transfers which is more intuitive to the end user.

As per claim 4, the combination of Vange, Campbell, Yano and Johnston, Jr. teaches the data transferring unit (130) (Vange; [0062], line 14, data server forwards requests and receives data from external data store for clients), in performing the data delivery process (Vange; [0061], line 5, data files in read requests are forwarded to client), stores data to be withdrawn, which had been forwarded from an external storage site (Vange; [0061], line 5, data files in read requests are forwarded from external storage), into a folder (Johnston, Jr.; Col. 1, line 51, a folders store files), corresponding to the second data storage unit (Vange; [0062], line 14, module that forwards client requests to external storage), then download the data site (Vange; [0061], line 5, read requests means download).

Response to Arguments

5. Applicant's arguments with respect to the rejection of claim 15 under 35 U.S.C. 101, have been considered and are persuasive. The rejection is withdrawn.

6. Applicant's arguments with respect to the prior art rejections of claims 1-15 under 35 U.S.C. 103 have been considered but are not persuasive.

As per claim 1, Applicant amended management information to included a URL of an external storage and argues that with this addition limitation, the management information is distinct from the "token" described in the cited prior art, Vange. Examiner submits that this point is moot given the application of Yano to this particular limitation. No specific arguments were made about Yano regarding this limitation. This rejection is maintained.

As per all remaining claims, the above arguments are repeated. Accordingly, these rejections are maintained.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2493

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PETER SHAW whose telephone number is (571)270-7179. The examiner can normally be reached on Monday - Friday 7:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH THOMAS can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2493

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. S./
Examiner, Art Unit 2458

/Carl Colin/
Acting SPE of Art Unit 2493

December 3, 2010